

No. 89
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Wednesday, December 2, 2020.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Motions and Communications

The following communications were received:
Joint Committee on Administrative Rules

Waiver of Remaining Session Days

December 1, 2020

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days for the following rule set:

JCAR No. 20-28
MOAHR No. 2019-124 LR
Department of Licensing and Regulatory Affairs
Responsibilities of Providers of Basic Local Exchange Service that Cease to Provide the Service

According to MCL 24.245a(3), if the Committee waives the remaining session days, the Michigan Office of Administrative Hearings and Rules may immediately file the rule.

December 1, 2020

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days for the following rule set:

JCAR No. 20-32
MOAHR No. 2020-010 TY
Department of Treasury
Internet Gaming Rules

According to MCL 24.245a(3), if the Committee waives the remaining session days, the Michigan Office of Administrative Hearings and Rules may immediately file the rule.

December 1, 2020

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days for the following rule set:

JCAR No. 20-33
MOAHR No. 2020-009 TY
Department of Treasury
Internet Sports Betting Rules

According to MCL 24.245a(3), if the Committee waives the remaining session days, the Michigan Office of Administrative Hearings and Rules may immediately file the rule.

December 1, 2020

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days for the following rule set:

JCAR No. 20-42
MOAHR No. 2019-139 LR
Department of Licensing and Regulatory Affairs
Ski Area Safety – General Rules

According to MCL 24.245a(3), if the Committee waives the remaining session days, the Michigan Office of Administrative Hearings and Rules may immediately file the rule.

Sincerely,

Senator Peter Lucido
Chair

Representative Matt Maddock
Alternate Chair

The communications were referred to the Secretary for record.

Pursuant to rule 3.104 the Senate proceeded to the order of

Messages from the House

Senate Bill No. 70, entitled

A bill to create the address confidentiality program; to provide certain protections for victims of domestic violence, sexual assault, stalking, or human trafficking and for certain other individuals; to prescribe duties and responsibilities of certain state departments; to require the promulgation of rules; to create a fund; to prohibit the disclosure of certain information and obtaining a certification under this act by fraud; and to prescribe penalties.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 71, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 509q, 759, and 761 (MCL 168.509q, 168.759, and 168.761), section 509q as amended by 2012 PA 586 and sections 759 and 761 as amended by 2018 PA 603, and by adding sections 499b and 735a.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 509q, 759, and 761 (MCL 168.509q, 168.759, and 168.761), section 509q as amended by 2012 PA 586 and sections 759 and 761 as amended by 2020 PA 177, and by adding sections 499b and 735a.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 72, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1136 (MCL 380.1136), as added by 2016 PA 367.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation that the bill be given immediate effect, Further consideration of the bill was postponed for the day due to the lack of a quorum.

Senate Bill No. 73, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 40b, 307, 310, and 314 (MCL 257.40b, 257.307, 257.310, and 257.314), section 40b as amended by 2012 PA 498, section 307 as amended by 2018 PA 604, section 310 as amended by 2018 PA 177, and section 314 as amended by 2011 PA 159, and by adding section 310f.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 40b, 307, and 310 (MCL 257.40b, 257.307, and 257.310), section 40b as amended by 2012 PA 498, section 307 as amended by 2018 PA 604, and section 310 as amended by 2020 PA 93, and by adding section 310f.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 74, entitled

A bill to amend 2008 PA 23, entitled "Enhanced driver license and enhanced official state personal identification card act," by amending section 4 (MCL 28.304), as amended by 2018 PA 47.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 2008 PA 23, entitled "An act to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties," by amending section 4 (MCL 28.304), as amended by 2020 PA 47.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 75, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended by 2018 PA 605, section 1a as amended by 2008 PA 31, and section 2 as amended by 2018 PA 669, and by adding section 2a.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended by 2020 PA 92, section 1a as amended by 2008 PA 31, and section 2 as amended by 2020 PA 242, and by adding section 2a.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 76, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 916 and 1307a (MCL 600.916 and 600.1307a), section 916 as amended by 2000 PA 112 and section 1307a as amended by 2012 PA 69.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation that the bill be given immediate effect, Further consideration of the bill was postponed for the day due to the lack of a quorum.

Pursuant to rule 3.104 the Senate proceeded to the order of

Resolutions

Senate Concurrent Resolution No. 34.

A concurrent resolution of tribute offered as a memorial for Jack Faxon, former member of the House of Representatives and the Senate.

(For text of resolution, see Senate Journal No. 86, p. 2200.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, December 1:

House Bill No. 5975

The Secretary announced that the following bills were printed and filed on Tuesday, December 1, and are available on the Michigan Legislature website:

**House Bill Nos. 6454 6455 6456 6457 6458 6459 6460 6461 6462 6463 6464 6465 6466
6467 6468**

Committee Reports

The Committee on Local Government reported

House Bill No. 4035, entitled

A bill to prohibit a local unit of government from enacting or enforcing an ordinance, policy, resolution, or rule that regulates a dog based upon the breed or perceived breed of the dog; and to provide for the powers and duties of certain local governmental entities.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Johnson, Daley and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government reported

House Bill No. 5024, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 4a.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Daley and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government reported

House Bill No. 5025, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 110c (MCL 41.110c), as amended by 2015 PA 248, and by adding section 3c.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Daley and Moss

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, December 1, 2020, at 10:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Zorn (C), Johnson, Daley and Moss

Excused: Senator Alexander

The Committee on Education and Career Readiness reported

Senate Bill No. 41, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1526b.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Lana Theis
Chairperson

To Report Out:

Yeas: Senators Theis, Bumstead, Daley and Polehanki

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Meeting held on Tuesday, December 1, 2020, at 12:00 noon, Room 403, 4th Floor, Capitol Building

Present: Senators Theis (C), Bumstead, Daley and Polehanki

Excused: Senators Horn, Runestad and Geiss

The Committee on Judiciary and Public Safety reported

Senate Bill No. 234, entitled

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 8 (MCL 408.478).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, Barrett, Johnson, Chang and Irwin

Nays: Senator VanderWall

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

Senate Bill No. 1059, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 2 and 2a (MCL 28.422 and 28.422a), section 2 as amended by 2015 PA 200 and section 2a as amended by 2016 PA 301.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

Senate Bill No. 1093, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 26a of chapter IV (MCL 764.26a), as added by 2018 PA 65.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

Senate Bill No. 1118, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal

all acts and parts of acts inconsistent with this act,” by amending sections 1, 2, and 2a (MCL 28.421, 28.422, and 28.422a), section 1 as amended by 2017 PA 95, section 2 as amended by 2015 PA 200, and section 2a as amended by 2016 PA 301.

With the recommendation that the bill pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Johnson, Chang and Irwin

Nays: Senator Barrett

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 5137, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7401 (MCL 333.7401), as amended by 2016 PA 548.

With the recommendation that the bill pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 5138, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2016 PA 549.

With the recommendation that the bill pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 5299, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1 of chapter XI (MCL 771.1), as amended by 2019 PA 165.

With the recommendation that the bill pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 5627, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by repealing section 7415 (MCL 333.7415).

With the recommendation that the bill pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 5657, entitled

A bill to amend 1909 PA 17, entitled “An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties,” by amending section 5 (MCL 800.285), as amended by 1982 PA 343.

With the recommendation that the bill pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 5658, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 29 of chapter VII (MCL 767.29), as amended by 1988 PA 90.

With the recommendation that the bill pass.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Tuesday, December 1, 2020, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Lucido (C), VanderWall, Barrett, Johnson, Chang and Irwin

Excused: Senator Runestad

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Joint meeting held on Thursday, November 19, 2020, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators McBroom (C), Lucido, Theis and Irwin

Excused: Senator MacDonald

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Wednesday, December 2, 2020, at 3:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Lucido (C), McBroom, Theis, Hollier and Irwin

Scheduled Meetings

COVID-19 Pandemic Joint Select – Thursday, December 3, 8:00 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-5795

Education and Career Readiness – Thursday, December 3, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5314

Local Government – Tuesday, December 8, 10:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Natural Resources – Thursday, December 3, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5312

In the absence of all Senators, pursuant to Joint Rule 15, the Secretary of the Senate adjourned the Senate, the time being 10:03 a.m.

The Secretary of the Senate declared the Senate adjourned until Thursday, December 3, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

